

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Case No. 14-41062-CEC

Brian C. Leiba aka Brian Christopher Leiba,
Debtor.

Chapter 7

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ORDER GRANTING SANCTIONS

WHEREAS, on March 10, 2014, Brian C. Leiba (the “Debtor”) filed a petition for relief pursuant to chapter 7 of the Bankruptcy Code; and

WHEREAS, on November 22, 2014, the Debtor, through counsel, filed a motion for sanctions against Icilda Vickers-Baker (the “Sanctions Motion”); and

WHEREAS, Ms. Vickers-Baker did not file written opposition to the Sanctions Motion; and

WHEREAS, on December 16, 2014, the Court held a hearing on the Sanction Motion; and

WHEREAS, at the December 16, 2014 hearing, counsel for Ms. Vickers-Baker requested an opportunity to brief opposition to the Sanctions Motion; and

WHEREAS, on December 22, 2014, the Court issued a scheduling order with respect to the Sanctions Motion; and

WHEREAS, either individually or through counsel, for Ms. Vickers-Baker again failed to file any opposition to the Sanctions Motion; and

WHEREAS, on February 5, 2015, the Court held an adjourned hearing on the Sanctions Motion (the “Hearing”); and

WHEREAS, on February 13, 2015 the Court entered an order granting the Sanctions Motion and directing the Debtor’s counsel to file an affidavit regarding damages incurred; and

WHEREAS, on February 18, 2015, the Debtor’s Counsel filed an affidavit regarding damages (the “Affidavit”); and

WHEREAS, the Affidavit states that the Debtor's Counsel incurred 16 hours of work at \$350, for a total amount of damages of \$5,600; and

WHEREAS, on March 12, 2015, Ms. Vickers-Baker filed an affirmation in opposition to the affidavit of damages; and

NOW, THEREFORE, FOR THE REASONS STATED IN THE COURT'S APRIL 27, 2015 OPINION, IT IS

ORDERED, that Sanctions Motion is granted; and it is further

ORDERED, that the \$5,600 incurred by the Debtor's Counsel was reasonable and necessary as a result of Ms. Vickers-Baker's stay violation; and it is further

ORDERED, that the Debtor is awarded sanctions against Ms. Vickers-Baker in the amount of \$5,600, to be paid to the Debtor's Counsel.

Dated: Brooklyn, New York
April 27, 2015



Carla E. Craig
Carla E. Craig
United States Bankruptcy Judge